

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

DEC 17 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0264-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
THOMAS MICHAEL PIERCE,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause Nos. CR20582 and CR20748

Honorable Howard Hantman, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

Thomas Michael Pierce

Florence
In Propria Persona

V Á S Q U E Z, Presiding Judge.

¶1 Thomas Pierce petitions this court for review of the trial court's July 26, 2010, denial of his fifth petition for post-conviction relief filed pursuant to Rule 32, Ariz.

R. Crim. P. We will not disturb this ruling unless the court clearly has abused its discretion. *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007).

¶2 The procedural history of Pierce’s case has been set forth in detail in our 2007 memorandum decision denying relief on his previous petition for review. *State v. Pierce*, No. 2 CA-CR 2006-0134-PR (memorandum decision filed Jan. 12, 2007). We see no reason to revisit that history here. In May 2010, Pierce filed a “petition for writ of habeas corpus,” asserting the state lacked subject matter jurisdiction over him, reasoning that the Arizona Revised Statutes are invalid, inter alia, because they lack an enacting clause. At a status conference on his petition, Pierce apparently also asserted the Arizona Revised Statutes were invalid because they were enacted by an entity other than the Arizona legislature. Correctly treating Pierce’s petition as a petition for post-conviction relief pursuant to Rule 32, *see* Ariz. R. Crim. P. 32.3, the trial court denied it, determining the applicable laws were valid and there was no jurisdictional defect.

¶3 On review, Pierce reasserts the claims he made below and contends the trial court erred because it did not order the state to respond to his petition. His petition for review contains no citations to the record and, beyond a smattering of largely unexplained references to the Arizona Constitution, lacks any citation to legal authority supporting his arguments, instead generally referring only to “State of Arizona Public Records, Documents, and the Constitution of the State of Arizona” and “U.S. Supreme Court holdings.” Pierce’s petition therefore does not meaningfully comply with our rules, and he has failed to demonstrate the trial court abused its discretion in rejecting his claims. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must comply with rule

governing form of appellate briefs and contain “reasons why the petition should be granted” and either appendix or “specific references to the record”); Ariz. R. Crim. P. 31.13(c)(1)(vi) (briefs must contain argument and supporting authority); *see also State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review); *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of petitions for review), *disapproved on other grounds by Stewart v. Smith*, 202 Ariz. 446, 46 P.3d 1067 (2002).

¶4 Accordingly, we grant review but deny relief.

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge